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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,119	02/19/2002	Edmund G. Lou	SUNMP040	6772

25920 7590 12/29/2006  
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EXAMINER
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AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/079,119	<b>Applicant(s)</b> LOU ET AL.	
	<b>Examiner</b> Navneet K. Ahluwalia	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☒ Claim(s) 21-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to the Amendment filed October 02, 2006.

#### ***Response to Arguments***

2. Claims 15 – 32 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 15 – 32 remain rejected.
3. Applicant's arguments filed with respect to claims 15 – 32 have been fully considered but they are not persuasive.

***First, Applicant argues that there is no teaching in Allen of an XML reporter object that receives test result data from an application program.***

*In response to Applicant's argument, the Examiner submits that Allen in combination with Patil teaches XML reporter object that receives test result data in column 13 lines 27 – 44, Allen and column 10 lines 12 – 21 Patil. Allen teaches the XML reporter object receiving results and Patil teaches the test result generation and the rejection is made in combination from both the references directed to testing data and conversions in an XML environment. Furthermore the testing data of Patil would make the functioning of Allen's system more reliable as there would be no real data lost in case of a system failure because of the use of test data (column 9 lines 7 – 21, Patil).*

***Second, Applicant argues that there prior art lacks motivation to combine Allen and Patil.***

*In response to Applicant's argument that prior art lacks motivation to combine Allen and Patil Examiner respectfully disagrees. Allen and Patil are references that teach testing data and conversions in an XML environment. Furthermore the testing data of Patil would make the functioning of Allen's system more reliable as there would be no real data lost in case of a system failure because of the use of test data (column 9 lines 7 – 21, Patil)*

*Claims 18 and 32 recite the same subject matter and for the same reasons as cited above the rejection is maintained.*

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 103 rejections are sustained.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 15 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul V. Allen ('Allen' herein after) (US 6,665,625 B1) further in view of Narendra Patil ('Patil' herein after) (US 7,020,797 B2).

With respect to claim 15,

Allen discloses a system for updating an extensible markup language (XML) test result file, comprising: an application program that includes application testing instructions, the application testing instructions being capable of generating test result data; an XML reporter object in communication with the application program, wherein the XML reporter object receives the test result data from the application program (Figures 3A, 3B and 4A-2, column 13 lines 27 – 35, Allen), and wherein the XML reporter object processes the test result data to generate an XML based string; and an XML test results file accessible by the XML reporter object, wherein the XML reporter object inserts the XML based string into the XML test results file (column 13 lines 35 – 44, Allen).

Allen however does not disclose the testing instructions and test data as claimed.

Patil teaches the testing instructions and the test data as claimed (column 10 lines 12 – 21, Patil).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the two inventions are directed to testing data and conversions in an XML environment. Furthermore the testing data of Patil would make the functioning of Allen's system more reliable as there would be no real data lost in case of a system failure because of the use of test data (column 9 lines 7 – 21, Patil).

7. Claims 16 – 20 are rejected under the same rationale given for claim 15. The citations of the elements claimed and taught are listed below.

With respect to claim 16,

Allen discloses the system as recited in claim 15, wherein the XML test results file is a well formed and valid XML file based on a particular document type definition (DTD) (column 5 lines 40 – 55, Allen).

With respect to claim 17,

Allen discloses the system as recited in claim 15, wherein the XML reporter object further receives a key parameter related to the test result data from the application program (column 10 lines 1 – 10, Allen).

With respect to claim 18,

Allen discloses the system as recited in claim 17, wherein the XML reporter object includes a test results hash table for storing key parameters related to the test results file (column 12 lines 5 – 26, Allen).

With respect to claim 19,

Allen discloses the system as recited in claim 18, wherein the XML reporter object includes a file pointer tree having a plurality of nodes, each node referenced by a node pointer in the test results hash table (column 16 lines 12 – 34, Allen).

With respect to claim 20,

Allen discloses the system as recited in claim 19, wherein each node stores a begin value and an end value related to a particular key, wherein the begin value indicates a file position after a corresponding beginning tag related to the particular key, and wherein the end value corresponds to a file position after a corresponding ending tag related to the particular key (column 16 lines 12 – 34 and column 19 lines 52 – 67, Allen).

### ***Allowable Subject Matter***

8. Claims 21 – 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Navneet*

Navneet K. Ahluwalia  
Examiner  
Art Unit 2166

  
MOHAMMAD ALI  
PRIMARY EXAMINER

Dated: 12/21/2006